



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.: 10/016,524 Confirmation No.: 9593  
Applicant(s): Theodore Martin Boyl-Davis, et al. Date of Allowance: 09/09/2004  
Filed: December 10, 2001  
Art Unit: 3721  
Examiner: Brian D. Nash  
Title: FLEXIBLE TRACK DRILLING MACHINE

Docket No.: 038190/205479  
Customer No.: 00826

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

The following comments are filed in response to the Notice of Allowance mailed September 9, 2004.

Remarks begin on page 2 of this paper.

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**REMARKS**

Applicant notes with appreciation and acceptance the Examiner's amendments received with the Notice of Allowance. Applicant submits that the amendments are proper and no further amendments to the claims are required.

However, Applicant respectfully submits that the statement of Reasons for Allowance refers to limitations not present in Claim 1. In particular, in the reasons for allowance, the Examiner states:

During a phone conversation with applicant's attorney, Mr. Nicholas Gallo on 30 August 2004, the examiner stated that the prior art of record, either by itself or in combination, did not anticipate or obviate the claimed limitations of claim 5 together with all the limitations of base claim 1. Thus, an amendment doing such was agreed to.

Applicant respectfully notes that the amendment to Claim 1 did not wholly incorporate the limitations of Claim 5. As correctly set forth in the Examiner's Amendment, Claim 1 was amended to include the phrase "wherein the X-axis carriage is flexibly connected to the rails" at the end of the claim. Claim 5, on the other hand, recites that "the X-axis carriage is connected to the rails by flexible mounts." Thus, while Claim 5 recites flexible mounts, Claim 1 does not include such a limitation but rather simply recites that the X-axis is flexibly connected to the rails.

Consideration of the foregoing comments is requested, and Applicant further respectfully requests that the Examiner either withdraw the statement of reasons for allowance or revise the statement to conform to the scope of the claims. In the absence of further action from the Examiner, the Applicant will assume that the comments above are agreeable to the Examiner.

Respectfully submitted,



Nicholas F. Gallo  
Registration No. 50,135

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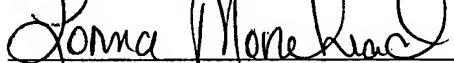
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 23, 2004



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